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TREATY

BETWEEN

INDIA AND SIKKIM

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INDIA AND SIKKIM

The President of India and His Highness the Maharaja of Sikkim, being desirous of further strengthening the good relations already existing between India and Sikkim, have resolved to enter into a new Treaty with each other, and the President of India has, for the purpose, appointed as his plenipotentiary Shri Harishwar Dayal, Political Officer in Sikkim, and His Highness the Maharaja having examined Shri Harishwar Dayal's credentials and found them good and in due form, the two have agreed as follows :—

Article I

All previous treaties between the British Government and Sikkim which are at present in force as between India and Sikkim are hereby formally cancelled.

Article II

Sikkim shall continue to be a Protectorate of India and subject to the provisions of this Treaty, shall enjoy autonomy in regard to its internal affairs.

Article III

(1) The Government of India will be responsible for the defence and territorial integrity of Sikkim. It shall have the right to take such measures as it considers necessary for the defence of Sikkim or the security of India, whether preparatory or otherwise, and whether within or outside Sikkim. In particular, the Government of India shall have the right to station troops anywhere within Sikkim.

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(2) The measures referred to in paragraph (1) will as far as possible be taken by the Government of India in consultation with the Government of Sikkim.

(3) The Government of Sikkim shall not import any arms, ammunition, military stores or other warlike material of any description for any purpose whatsoever without the previous consent of the Government of India.

Article IV

(1) The external relations of Sikkim, whether political, economic or financial, shall be conducted and regulated solely by the Government of India; and the Government of Sikkim shall have no dealings with any foreign power.

(2) Subjects of Sikkim travelling to foreign countries shall be treated as Indian protected persons for the purpose of passports and shall receive from Indian representatives abroad the same protection and facilities as Indian nationals.

Article V

The Government of Sikkim agrees not to levy any import duty, transit duty or other impost on goods brought into, or in transit through, Sikkim; and the Government of India agrees not to levy any im ort or other duty on goods of Sikkimese origin brought into India from Sikkim.

Article VI

(1) The Government of India shall have the exclusive right of constructing, maintaining and regulating the use of railways, aerodromes and landing grounds and air navigation facilities, posts, telegraphs, telephones and wireless installations in Sikkim; and the Government of Sikkim shall render the Government of India every assistance in their construction, maintenance and protection.

(2) The Government of Sikkim may, however, construct, maintain, and regulate the use of, railways and aerodromes and landing grounds and air navigation facilities to such extent as may be agreed to by the Government of India.

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(3) The Government of India shall have the right to construct and maintain in Sikkim roads for strategic purposes and for the purpose of improving communications with India and other adjoining countries; and the Government of Sikkim shall render the Government of India every assistance in the construction, maintenance and protection of such roads.

Article VII

(1) Subjects of Sikkim shall have the right of entry into, and free movement within, India, and Indian nationals shall have the right of entry into, and free movement within, Sikkim.

(2) Subject to such regulations as the Government of Sikkim may prescribe in consultation with the Government of India, Indian nationals shall have:—

(a) the right to carry on trade and commerce in Sikkim; and

(b) when established in any trade in Sikkim, the right to acquire, hold and dispose of any property, movable or immovable for the purposes of their trade or residence in Sikkim.

(3) Subjects of Sikkim shall have the same right:—

(a) to carry on trade and commerce in India, and to employment therein; and

(b) of acquiring, holding and disposing of property, movable and immovable, as Indian nationals.

Article VIII

(1) Indian nationals within Sikkim shall be subject to the laws of Sikkim and subjects of Sikkim within India shall be subject to the laws of India.

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(2) Whenever any criminal proceedings are initiated in Sikkim against any Indian national or any person in the service of the Government of India or any foreigner, the Government of Sikkim shall furnish the Representative of the Government of India in Sikkim (hereinafter referred to as the Indian Representative) with particulars of the charges, against such person.

If in the case of any person in the service of the Government of India or any foreigner it is so demanded by the Indian Representative, such person shall be handed over to him for trial before such court as may be established for the purpose by the Government of India either in Sikkim or outside.

Article IX

(1) The Government of Sikkim agrees to seize and deliver up any fugitive offender from outside Sikkim who has taken refuge therein on demand being made by the Indian Representative. Should any delay occur in complying with such demand, the Indian police may follow the person whose surrender has been demanded into any part of Sikkim, and shall, on showing a warrant signed by the Indian Representative, receive every assistance and protection in the prosecution of their object from the Sikkim Officers.

(2) The Government of India similarly agrees, on demand being made by the Government of Sikkim, to take extradition proceedings against, and surrender, any fugitive offender from Sikkim who has taken refuge in the territory of India.

(3) In this Article, "fugitive offender" means a person who is accused of having committed an extradition offence as defined in the First Schedule to the Indian Extradition Act, 1903, or any other offence which may hereafter be

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agreed upon between the Government of India and the Government of Sikkim as being an extradition offence.

Article X

The Government of India, having in mind the friendly relations already existing between India and Sikkim and now further strengthened by this Treaty and being desirous of assisting in the development and good administration of Sikkim, agrees to pay the Government of Sikkim a sum of rupees three lakhs every year so long as the terms of this Treaty are duly observed by the Government of Sikkim.

The first payment under this Article will be made before the end of the year 1950, and subsequent payments will be made in the month of August every year.

Article XI

The Government of India shall have the right to appoint a Representative to reside in Sikkim; and the Government of Sikkim shall provide him and his staff with all reasonable facilities in regard to their residential and office accommodation and generally in regard to their carrying out their duties in Sikkim.

Article XII

If any dispute arises in the interpretation of the provisions of this Treaty which connot be resolved by mutual consultation, the dispute shall be referred to the Chief Justice of India whose decision thereon shall be final.

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Article XIII

This Treaty shall come into force without ratification from the date of signature by both the parties.

Done in duplicate at Gangtok on this fifth day of December 1950.

Sd. Harishwar Dayal,	*Sd. Tashi Namgyal,*
Political Officer in Sikkim.	*His Highness the Maharaja of Sikkim.*

Seal of P.O. in Sikkim. *Red seal of H. H. the Maharaja.*

Certified true copy.

Sd. P.T. Namgyal
25/7/51

Maharaj Kumar of Sikkim.

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